

DISPOSITION: Between May 2 and June 27, 1946, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

2097. Misbranding of adhesive tape and adhesive bandages. U. S. v. 130 Packages of Adhesive Tape and 10 Packages of Adhesive Bandages. Default decree of condemnation and destruction. (F. D. C. No. 17546. Sample Nos. 23521-H to 23524-H, incl.)

LABEL FILED: February 26, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 18 and August 24, 1945, by the Gotham Aseptic Laboratory Co., Inc., from Long Island City, N. Y.

PRODUCT: 130 packages of *adhesive tape* and 10 packages of *adhesive bandages* at St. Louis, Mo. Examination showed that the articles were only slightly sticky when applied to the skin.

LABEL, IN PART: "Gotham Waterproof Adhesive Tape," or "Gotham Stickrite Adhesive Bandages Waterproof Sulfa-Thia-Zole Impregnated Gauze Pads."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Adhesive Tape" and "Adhesive Bandages" were false and misleading as applied to articles which possessed no significant adhesive properties.

DISPOSITION: April 4, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

2098. Misbranding of Spectro-Chrome. U. S. v. 1 Device Known as Spectro-Chrome, and a quantity of printed matter. Tried to the jury. Decree of condemnation. Product and printed matter ordered delivered to the Food and Drug Administration. (F. D. C. No. 13226. Sample No. 82254-F.)

LABEL FILED: August 11, 1944, Eastern District of New York; amended label filed November 15, 1944.

ALLEGED SHIPMENT: On or about July 21, 1944, from Malaga, N. J., by the Dinshah Spectro-Chrome Institute.

PRODUCT: 1 device known as *Spectro-Chrome* at Babylon, N. Y., together with a quantity of accompanying printed matter. Examination showed that the device consisted of a cabinet equipped with an electrically-operated fan, a 1,000-watt electric light bulb, a glass water container, two condensing lenses, and several glass slides of various colors. The cabinet had an opening in the front in which the glass slides could be inserted and through which the light from the bulb would emit.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the device were false and misleading since they represented and suggested that the device was capable of measuring and restoring human radioactive and radioemanative equilibrium by attuned color waves, whereas there is no radio-active or radioemanative equilibrium in the human system, and the device was incapable of performing any function of measurement, and the use of color waves of any type would have no effect on human equilibrium.

Further misbranding, Section 502 (a), certain statements in the accompanying printed matter, including the printed matter entitled "Spectro-Chrome Home Guide," "Spectro-Chrome Way, 1944," and "Spectro-Chrome—In Every Home," were false and misleading since the statements represented and suggested that the device when used in accordance with the directions for use appearing in the printed matter would be effective in the treatment of the following diseases, conditions, and purposes, and that when so used the device would constitute a safe and appropriate treatment therefor: (diseases and conditions for which device was recommended) Disorders of the heart, lungs, skin, nutrition, mentality, and emotions; inflammation with pain, swelling, fever, or redness; disorders of blood, genitals, females, children, teeth, motor system, and sensory system; gonorrhea, syphilis, ulcers, chancres, smallpox, scarlet fever, diphtheria, whooping cough, chickenpox, measles, German measles, mumps, fallen womb, habitual tendency to miscarriage, burns of any degree, sunstroke, diabetes, sex frigidity, accident, dog bite, eye disorder, ear abscess, mastoiditis, constipation, colds, gastritis, nervousness, ophthalmitis, rectal abscess, high blood pressure, poor circulation, tuberculosis, piles, varicose veins, aphonia, headache, hay fever, dizziness, sleeplessness, rash, poison ivy, stomach ulcers, sciatica, tachycardia, nosebleeding, lung hemorrhage, leg ulcer, prostate disorder, kidney disorder, tonsillitis, pleurisy, appendicitis, gout, pneumonia, tumors, leaky heart, hiccoughs, arthritis, rheumatism, cataract, X-ray and

radium destruction, cancerous growths, certain types of blindness and deafness, and refractory carbuncles; (purposes for which device was recommended) liver energizer, hemoglobin builder, respiratory stimulant, parathyroid depressant, thyroid energizer, antispasmodic, galactagogue, antirachitic, emetic, stomachic, lung builder, motor stimulant, alimentary tract energizer, lymphatic activator, splenic depressant, digestant, cathartic, cholagogue, anthelmintic, nerve builder, cerebral stimulant, thymus activator, antacid, chronic alterative, antiscorbutic, laxative, expectorant, bone builder, pituitary stimulant, disinfectant, purificatory, antiseptic, germicide, bactericide, detergent, muscle and tissue builder, cerebral depressant, acute alterative, tonic, skin builder, antipruritic, febrifuge, counter irritant, anodyne, demulcent, vitality builder, parathyroid stimulant, thyroid depressant, respiratory depressant, astringent, sedative, pain reliever, hemostatic, inspissator, phagocyte builder, splenic stimulant, cardiac depressant, lymphatic depressant, leukocyte builder, venous stimulant, renal depressant, antimalarial, vasodilator, anaphrodisiac, narcotic, antipyretic, analgesic, suprarenal stimulant, cardiac energizer, diuretic, emotional equilibrator, auric builder, arterial stimulant, renal energizer, genital excitant, aphrodisiac, emmenagogue, vasoconstrictor, ecboic, sex builder in subnormal and other diseases and conditions. The device when used in accordance with the directions, or when used in any manner whatsoever, was of no value in the treatment of any of the diseases and conditions mentioned, or for the purposes represented; and when so used, the device may delay appropriate treatment of serious diseases, resulting in serious or permanent injury to the user.

DISPOSITION: Dinshah P. Ghadiali, claimant, having filed an answer denying that the labeling was misleading, the case came on for trial before a jury on May 14, 1945. At the conclusion of the trial on June 26, 1945, the jury returned a verdict in favor of the Government; and on July 9, 1945, a decree was entered condemning the device and enjoining the claimant from introducing into interstate commerce any device labeled similarly to the condemned device.

A notice of appeal to the United States Circuit Court of Appeals for the Second Circuit was subsequently filed by the claimant. The claimant failed to perfect his appeal, and on January 3, 1946, the appeal was dismissed.

On February 5, 1946, an order was entered directing that the device and accompanying printed matter be delivered to a representative of the Food and Drug Administration.

2099. Misbranding of Spectro-Chrome. U. S. v. 1 Device Known as Spectro-Chrome (and 44 other seizure actions against Spectro-Chrome). Decrees of condemnation. Product ordered destroyed or delivered to the Food and Drug Administration. (F. D. C. Nos. 16818, 16819, 16831, 16832, 16834, 16835, 16837, 16839 to 16842, incl., 16874 to 16878, incl., 16880, 16899, 16908, 16912 to 16914, incl., 16916, 16919, 16931 to 16935, incl., 16958, 17000, 17019, 17062, 17176, 17269, 17273 to 17275, incl., 17278, 17416, 17719, 17720, 18883, 18889, 20565. Sample Nos. 50989-F, 76869-F, 76873-F, 77987-F, 77993-F, 77994-F, 3913-H, 3915-H, 3916-H, 4095-H, 4097-H, 4130-H, 4150-H to 4154-H, incl., 4156-H, 4158-H, 4159-H, 4164-H, 4172-H, 4179-H to 4182-H, incl., 4192-H, 4270-H, 4846-H, 4849-H, 4850-H, 4912-H, 5934-H, 6168-H, 6169-H, 6501-H, 6509-H, 9925-H, 13739-H, 13746-H, 13760-H, 13860-H, 22588-H, 31181-H, 43792-H.)

LABELS FILED: Between July 19, 1945, and July 30, 1946, Eastern District of Missouri, Northern District of Illinois, Eastern District of Pennsylvania, Northern District of Ohio, Eastern and Southern Districts of New York, Southern District of Indiana, Northern District of West Virginia, District of Arizona, and Southern District of California.

ALLEGED SHIPMENT: Between the approximate dates of November 1943, and January 15, 1946, from Newfield and Malaga, N. J., by the Dinshah Spectro-Chrome Institute.

PRODUCT: 45 *Spectro-Chrome* devices at Affton and St. Louis, Mo.; Chicago, Ill.; Allentown, Bath, Bethlehem, Coplay, Emmaus, Laurys Station, Nazareth, Philadelphia, Schnecksville, and West Catasauqua, Pa.; Cleveland, Lima, and Mentor, Ohio; Bronx, Brooklyn, Inwood, Liberty, and New York, N. Y.; Indianapolis, Ind.; Wheeling, W. Va.; Tucson, Ariz.; and Los Angeles, Calif. The product at Tucson had been originally shipped from New Jersey to West Bend, Wis., and from there it was transported to Arizona.

The construction and appearance of each device was essentially the same, and it was misbranded in essentially the same respect, as the device involved in the preceding notice of judgment, No. 2098.